

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

RICARDO WARE,

Petitioner

VS.

RALPH KEMP, WARDEN,

Respondent

NO. 5:06-CV-370 (CAR)

**PROCEEDINGS UNDER 28 U.S.C. §2254
BEFORE THE U. S. MAGISTRATE JUDGE**

O R D E R

Petitioner RICARDO WARE has requested this court to provide legal representation to him in the above-captioned §2254 proceeding. Tab #12. This is his second such request, the first having been denied as premature in an order dated November 8, 2006. Tabs #4 and #6. In the court's November 8th order, the petitioner was advised that until a response has been filed on behalf of the respondent and the court has a chance to review that response, the circumstances of this case cannot be properly evaluated, and appointment of counsel would not be appropriate. Responsive pleadings are not yet due.

The petitioner is **again** advised that if and when it becomes apparent that legal assistance is required in order to avoid prejudice to the petitioner's rights, the court will consider appointing legal counsel on its own motion. If an evidentiary hearing is required, counsel will be provided for the petitioner.

Accordingly, at the present time, petitioner's second motion for appointment of legal counsel (Tab #12) is DENIED.

Also before the court is the petitioner's December 11, 2006, Motion for Extension of Time to Amend his petition. Tab #11. That motion is GRANTED and the petitioner shall have FIFTEEN (15) DAYS from receipt of this order in which to amend his petition to include every unalleged possible constitutional error or deprivation entitling him to habeas relief in this court.

SO ORDERED, this 12th day of JANUARY, 2007.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." in a cursive script.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE